

## REMARKS

The Examiner is thanked for his Office Action of 07/09/2009. In response thereto, please consider the foregoing amendments and the following remarks. Claims 1-3, 5-8 and 11-22 are currently pending in this application.

### Claim Objections

The Examiner renumbered the claims in an Office Action dated 07/11/2005. In response thereto, Applicant amended the Examiner-renumbered claims for proper dependencies. Applicant is most pleased to return to his originally numbered claims by this Amendment, withdraws the amendments for dependencies, and respectfully requests the Examiner to withdraw his rejection.

### Claim Rejections – 35 U.S.C. § 101

Claims 16-17 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully traverses. However, since statutory subject matter under section 101 is in flux, the implicit limitations suggested by the Examiner have been incorporated into these claims. Applicant respectfully requests that the rejection of claims 16-17 under 35 U.S.C. § 101 be withdrawn.

### Claim Rejections – 35 U.S.C. § 103

Claims 1-2, 5-8, 11-13 and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,785,867 of Shaffer et al (hereafter Shaffer) in view of U.S. Patent No. 6,449,657 of Stanbach, Jr. et al. (hereafter Stanbach). Claims 3, 14 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shaffer in view of U.S. Patent No. 6,651,087 of Dennis.

### The Cited Art

Shaffer describes a system and method for automatically loading an application program associated with an e-mail application attachment file upon reception of the e-mail. Alternatively, the application program may be loaded as soon as the e-mail message itself is opened, without waiting for the user to click on the attachment icon. In either case, the application program is loaded in a minimized state such that as soon as the user clicks on the attachment icon, the attachment application file may be run without waiting for the relatively lengthy time required to load the application program. Prior to loading the application program, responsive to receiving the e-mail message, the computer may examine system resources to determine whether memory usage is sufficient to allow for the opening of the application program.

Stanbach describes a method and apparatus for providing domain name services including a multi-threaded name server which concurrently handles multiple domain name resolution requests and is particularly well suited for an Internet host system controlling information relating to a very large number of domain names. A database coherency thread continuously refreshes a host name cache that is utilized by the multi-threaded name server. The multi-threaded name server may comprise a request dispatcher thread capable of spawning multiple child threads, resulting in a multi-threaded, non-blocking name server. One or more additional network services are also provided by the system, preferably through a common, centralized database. For example, in one embodiment, electronic message forwarding services are provided. In another embodiment, web services are provided wherein hypertext markup language (HTML) pages are dynamically generated from data in the database corresponding to the requested host name.

Dennis describes publishing content associated with an electronic file attached to an electronic mail message by executing instructions contained in the electronic mail attachment and accessing the content at a remote computer server identified by the attached file. The attached file includes computer-executable instructions, such as a computer program or script, which include an identifier for a remote server connected to

a distributed computer network. This identified remote server typically hosts a web site containing content intended for viewing by the recipient of the electronic mail message. In response to launching the attached file of the electronic mail message with a viewer program, a browser program can be opened to enable the recipient to view the content of the identified remote server, typically a web site on an intranet or the global Internet. This supports the communication of electronic content by using an electronic mail message to transport an electronic file attachment having instructions that, when executed by the recipient's computer, enable the recipient to view the electronic content by accessing a server computer connected to distributed computer network.

The Cited Art Distinguished

Independent claims 1, 15 and 16 were rejected over Shaffer in view of Stanbach. Applicant respectfully traverses.

Shaffer teaches launching an application program that is stored and installed locally prior to the opening of an email. See for example:

**This process is disadvantageous, however, in that the computer requires several seconds to load the application program prior to loading the attachment application file. For example, a 200 MHZ Pentium running Windows 95 may take approximately 5 seconds to load Word 95 prior to loading the attachment Word document. Accordingly, the user wastes time while the computer performs the loading task. [Shaffer, paragraph 0006]**

Shaffer is clearly teaching launching an application which is pre-loaded onto the user's computer. Receiving over a network, installing, and launching Word 95 would take considerably longer than the "5 seconds to load" contemplated by Shaffer. Further, since Shaffer is concerned with reducing the amount of time it takes to launch an application, Shaffer pointedly teaches away from automatically retrieving code from a server over a network after an electronic message received over the network is opened for viewing by a user as set forth in independent claims 1, 15 and 16.

Stanbach does not cure this deficiency in that it also does not initialize "at least one application program by automatically retrieving code from a server over a network" after it is opened for viewing. Since the combination of Shaffer and Stanbach do not disclose all of the elements of the claims, the Examiner has not made a *prima facie* case of obviousness with respect to claims 1, 15 or 16 or their dependent claims. Applicant therefore respectfully requests that the rejections of claims 1-3, 5-8, 11-13 and 15-19 be withdrawn.

Dependent claims 3, 14 and 20-22 were rejected over Shaffer in view of Dennis. Claims 3 and 14 are directly or indirectly dependent upon claim 1 and are therefore patentable over Shaffer in view of Stanbach for at least the reasons as set forth above. Claims 20-22 are dependent indirectly on claim 16 and are therefore patentable over Shaffer in view of Stanbach for at least the reasons as set forth above. The substitution of Dennis (allegedly to show applets) for Stanbach does not cure the deficiencies of the base reference Shaffer, as set forth above. Applicant respectfully requests that the rejection of dependent claims 3, 14 and 20-22 be withdrawn.

### Conclusion

Applicant believes that all pending claims are patentable, and respectfully requests an early Notice of Allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Date: 01/09/2009

Respectfully submitted,



Paul L. Hickman  
Registration No. 28,516

### Contact Information

Customer No. 45965  
Direct: 650-293-3355